

a petition to revoke does not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33470, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001. In addition, a copy of each pleading must be served on Karl Morell, Esq., Ball Janik LLP, 1455 F Street, N.W., Suite 225, Washington, DC 20005.

Decided: October 1, 1997.

By the Board, David M. Konschnik,
Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 97-26837 Filed 10-8-97; 8:45 am]

BILLING CODE 4915-00-P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33465]

CSX Transportation, Inc.—Trackage Rights Exemption—East Tennessee Railway, L.P.

East Tennessee Railway, L.P. (ETRY), has agreed to grant overhead trackage rights to CSX Transportation, Inc. (CSXT), over main line trackage of ETRY between turnouts to be constructed at a point approximately 39 feet west of derail located on ETRY's #2 track and a point approximately 80 feet west of the west line of Buffalo Street in Johnson City, TN, a total distance of approximately 1,900 feet, exclusive of turnouts.¹ The transaction is expected to be consummated after completion of the construction of two connection tracks between CSXT and ETRY, but not earlier than October 2, 1997, the effective date of the exemption.

The purpose of the proposed trackage rights is to allow CSXT to rationalize approximately 1,900 feet of its trackage through Cherry Street in downtown Johnson City, TN, which is a high maintenance and high risk area in the City.

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN*, 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate*, 360 I.C.C. 653 (1980).

This notice is filed under 49 CFR 1180.2(d)(7). If the notice contains false

or misleading information, the exemption is void *ab initio*. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 33465, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001 and served on: Charles M. Rosenberger, Senior Counsel, CSX Transportation, Inc., 500 Water Street, J-150, Jacksonville, FL 32202.

Decided: October 2, 1997.

By the Board, David M. Konschnik,
Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 97-26836 Filed 10-8-97; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 33388 (Sub-No. 2)]¹¹

CSX Transportation, Inc.—Construction and Operation Exemption—Connection Track at Willow Creek, IN

AGENCY: Surface Transportation Board (Board).

ACTION: Notice of exemptions.

SUMMARY: The Board, under 49 U.S.C. 10502, conditionally exempts from the prior approval requirements of 49 U.S.C. 10901 the construction by CSX Transportation, Inc., (CSX), Norfolk and Western Railway Company (NW), and Consolidated Rail Corporation (Conrail) of six connection track projects at Sidney, IL, Willow Creek and Alexandria, IN, and Greenwich, Sidney Junction, and Bucyrus, OH, subject to

¹ This proceeding also embraces the following: STB Finance Docket No. 33388 (Sub-No. 3), *CSX Transportation, Inc.—Construction and Operation Exemption—Connection Tracks at Greenwich, OH*; STB Finance Docket No. 33388 (Sub-No. 4), *CSX Transportation, Inc.—Construction and Operation Exemption—Connection Track at Sidney Junction, OH*; STB Finance Docket No. 33388 (Sub-No. 5), *Norfolk and Western Railway Company—Construction and Operation Exemption—Connecting Track with Union Pacific Railroad Company at Sidney, IL*; STB Finance Docket No. 33388 (Sub-No. 6), *Norfolk and Western Railway Company—Construction and Operation Exemption—Connecting Track with Consolidated Rail Corporation at Alexandria, IN*; and STB Finance Docket No. 33388 (Sub-No. 7), *Norfolk and Western Railway Company—Construction and Operation Exemption—Connecting Track with Consolidated Rail Corporation at Bucyrus, OH*.

the results of the Board's environmental review and further decision.²

DATES: The exemptions cannot become effective until after the environmental process has been completed. At that time, the Board will issue a further decision or decisions addressing the environmental matters and establishing exemption effective dates, if appropriate. Petitions to reopen must be filed by October 29, 1997.

ADDRESSES: An original and 25 copies of all documents must be sent to the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, N.W., Washington, DC 20423-0001 ATTN: STB Finance Docket No. 33388 (Sub-Nos. 2-7). In addition, one copy of all documents in this proceeding must be sent to Administrative Law Judge Jacob Leventhal, Federal Energy Regulatory Commission, 888 First Street, N.E., Suite 11F, Washington, DC 20426 [(202) 219-2538; FAX: (202) 219-3289] and to petitioners' representatives: Charles M. Rosenberger, 500 Water Street-J150, Jacksonville, FL 32202; James R. Paschall, Norfolk Southern Corporation, Three Commercial Place, Norfolk, VA 23510-2191; and John J. Paylor, 2001 Market Street-16A, Philadelphia, PA 19101.

FOR FURTHER INFORMATION CONTACT: Julia M. Farr, (202) 565-1613. [TDD for the hearing impaired: (202) 565-1695.]

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: DC News & Data, Inc., 1925 K Street, N.W., Suite 210, Washington, DC 20006. Telephone (202) 289-4357.

Decided: October 1, 1997.

By the Board, Chairman Morgan and Vice Chairman Owen.

Vernon A. Williams,
Secretary.

[FR Doc. 97-26838 Filed 10-8-97; 8:45 am]

BILLING CODE 4915-00-P

² These proceedings are related to STB Finance Docket No. 33388, *CSX Corporation and CSX Transportation, Inc., Norfolk Southern Corporation and Norfolk Southern Railway Company—Control and Operating Leases/Agreements—Conrail Inc. and Consolidated Rail Corporation (CSX/NS/CR)*. In *CSX/NS/CR*, Decision No. 9, served June 12, 1997, we granted petitions for waiver that would allow CSX, NW, and Conrail to seek approval for construction of seven connection projects, including the connections proposed here, following the completion of our environmental review of the construction projects, and our issuance of further decisions exempting or approving the proposals, but prior to our approval of the primary application.

¹ CSXT is acquiring overhead trackage rights only and will not be allowed to perform any local freight service of any kind to ETRY's patrons at any point located on the joint trackage.